

# ELDER ABUSE TRAINING

October 19, 2018  
Black Canyon Conference Center  
Phoenix, Arizona



## MULTIDISCIPLINARY TEAMS TO COMBAT ELDER ABUSE

Presented by:

**Jesse Delaney**

Attorney at Law

**Albert Fimbres**

Victim Advocate, Arizona Attorney General's Office

**Sergeant Ericka Stropka**

Tucson Police Department

**Kent Weeks**

Arizona Adult Protective Services

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

1951 West Camelback Road, Suite 202

Phoenix, Arizona 85015

ELIZABETH ORTIZ  
EXECUTIVE DIRECTOR

## Adult Protective Services




---

---

---

---

---

---

---

## Overview

- APS Mission
- APS Theoretical Framework
- Terms And Definitions
- APS Powers & Limitations
- Mandated Reporting/ Reporting to APS
- Beginning An Investigation
- APS Registry
- APS District II/ Tucson Office

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

## APS Mission

- The Mission of Adult Protective Services is "to assess reported incidents of abuse, neglect, or exploitation of incapacitated or vulnerable adults, and to offer available and appropriate services to assist in accordance with individual needs and acceptance".

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

### THE THEORETICAL FRAMEWORK FOR THE PROVISION OF ADULT PROTECTIVE SERVICES

- 1. When interests compete, the adult client is the only person we are charged to serve; not the community concerned about safety, the landlords concerned about property, citizens concerned about crime or morality, families concerned about the adult's health or finances;
- 2. When interests compete, the adult client is in charge of decision making until the adult delegates responsibility voluntarily to another or the court grants responsibility to another

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### THE THEORETICAL FRAMEWORK FOR THE PROVISION OF ADULT PROTECTIVE SERVICES

- 3. Freedom is more important than safety; that is, an adult can choose to live in harm or even self-destruct, provided the adult is competent to choose, does not harm others and commits no crimes
- 4. In the ideal case, protection of adults seeks to achieve simultaneously and in order of importance:
  - a. Freedom
  - b. Safety
  - c. Least disruption of life-style, and
  - d. Least restrictive care alternative.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### APS Terms and Definitions

#### • **Vulnerable Adult:**

- 46-451.A.10. "Vulnerable adult" means an individual who is 18 years of age or older who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment. It includes an incapacitated person as defined in 14-5101.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Terms and Definitions

### **Incapacity**

Impairment by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Terms and Definitions

### • **Abuse:**

46-451.A.1. "Abuse" means:

- Intentional infliction of physical harm
- Injury caused by negligent acts or omissions
- Unreasonable confinement
- Sexual abuse or sexual assault

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Terms and Definitions

### **Neglect:**

- 46-451.A.6. Means a pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Terms and Definitions

### Self Neglect:

- This is not defined by statute.

It is common and often covers the same types of issues as neglect but the person usually lives alone and can't remember to take their meds, eat, turn on the air conditioning, etc.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Terms and Definitions

### Exploitation:

- 46-451.A.4. "Exploitation" means the illegal or improper use of a vulnerable adult or his resources for another's profit or advantage.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Authority and Duties

- Receive reports of abuse, neglect, and exploitation of vulnerable adults **age 18+** who live in:
  - nursing facilities • assisted living facilities • group homes • at home
- Evaluate need for protective services & offer appropriate services based on need, availability, & acceptance
- Refer for guardianship/conservatorship
- Obtain medical, financial & psychiatric records upon written request, subject to redaction A.R.S. 46-454(E), (H)

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### APS Authority and Duties

- 46-454.E Authority to request that the person having custody or control of medical or financial records turn them over to APS upon written request .
- 46-454.H. Gives APS the authority to request psychiatric records.
- 46.454.K. Violation of 46-454 can be a Class 1 misdemeanor.
- 14-5310.01 Authority to petition for special visitation warrants when APS is denied access to a home/person who is the subject of an APS evaluation/investigation

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### What Adult Protective Services Workers Cannot Do

- Remove an adult from his or her home against the adult's wishes
- Prevent a capacitated adult from using financial resources as the adult chooses.
- Serve as guardian or conservator, or manage the adult's finances.
- Make a determination of capacity. This decision can only be made by the Superior Court
- Provide an opinion regarding safe discharge from any type of care facility
- Act in the role of first responder
- Interfere in a capacitated adult's chosen lifestyle
- Require the adult to accept services, including Adult Protective Services.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### Duty to Report

#### Mandatory Reporters:

- Anyone may report a concern regarding a vulnerable adult.
- Mandated by state law to report any suspected incidents of abuse, neglect or exploitation. These include doctors, nurses, social workers, attorneys, health professionals, trustees, guardians, conservators or other persons responsible for the care of vulnerable adults (A.R.S. § 46-454).

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## Duty to Report

- Any other person who has responsibility for the care of a vulnerable adult who has a reasonable basis to believe that abuse, neglect or exploitation of a person has occurred shall immediately report or cause reports to be made to a peace officer or to a protective services worker
- Note: An attorney, accountant, trustee, guardian, conservator or other person who has responsibility for tax records or a person who has responsibility for the vulnerable adult's property only have to report if they believe exploitation has taken place

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## Mandatory Reporting

- All persons who file a report are immune from civil or criminal liability, unless they act in bad faith or with malice (A.R.S. § 46-453).
- The name of the reporting person shall be kept confidential except as provided by law or court order (A.R.S. § 41-1959).

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS Calls

- Calls are taken from 7 am – 7 pm (M-F) 10 am – 6 pm (Sat & Sun)
- Calls are answered by Adult Protective Service specialists trained to gather the facts necessary to begin the course of action each call requires.
- Online reporting: [www.azdes.gov/reportadultabuse](http://www.azdes.gov/reportadultabuse)
- Adult Protective Services receives calls regarding cases of suspected adult abuse, neglect and exploitation.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### Requested Report Information

- The vulnerable adult's (potential victim) name, location and, if available, their age or DOB, SS # and description if name is unknown.
- Description of incident (abuse, neglect and/or exploitation)
- How is the client vulnerable (what prevents the victim from protecting themselves)?
- Other Helpful Information: The alleged perpetrator's name and other identifying information
- Significant others
- Reporting source contact information
- Dangerous animals, weapons, diseases, etc. at the client's location

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### Investigation

- Initiate evaluation within established timeframes, based on the Priority System below:
- Priority 1. The APS worker shall initiate an assessment within one business day following a report of a qualifying problem with an imminent and substantial risk of life-threatening harm
- Priority 2. The APS worker shall initiate an assessment within two business days following a report of a qualifying problem with moderate aggravating circumstances
- Priority 3. The APS worker shall initiate assessment within five business days following a report of a qualifying problem with mitigating or no aggravating circumstances

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

### Investigation

- Evaluate if APS client meets definition of "vulnerable adult" and if alleged perpetrator has abused, neglected, or exploited the client
- Evaluate if APS client meets definition of "incapacitated" and needs a guardian or conservator
- APS will attempt to assist the victim to alleviate mistreatment, prevent further harm, and seek community resources

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## Investigation

- Interview all parties/neighbors/friends
- Locate all assets, property, or accounts
- Obtain all pertinent records
- APS maintains monthly contact with the victim throughout the investigation process

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS REGISTRY

A.R.S. § 46-458

- Requires that upon completion of its investigation, APS notify the alleged perpetrator of the outcome of its investigation and the right to a hearing in the event APS proposes to substantiate the allegations.

ARS § 46-459

- The registry shall contain the name and date of birth of the person determined to have abused, neglected or exploited a vulnerable adult, the nature of the allegation made and the date and description of the disposition of the allegation.
- If the substantiation is affirmed, the accused persons name will be placed on a Central Registry.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS REGISTRY

- Requires APS to provide due process for alleged perpetrators
- Have to establish a "preponderance of the evidence" to substantiate allegations
- As of July 3, 2015, once substantiated, the perpetrator's name is placed on APS Registry for 25 years (ARS § 46-459C)
- Registry is available to the public

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS REGISTRY

- The Central Registry is open to the general public and can be accessed online at: [https://www.azdes.gov/uploadedFiles/Aging\\_and\\_Adult\\_Services/Adult\\_Protective\\_Services/APS\\_Registry\\_List.pdf](https://www.azdes.gov/uploadedFiles/Aging_and_Adult_Services/Adult_Protective_Services/APS_Registry_List.pdf) (ARS § 46-459F). This means that potential employers can obtain information about an individual they are considering for hire. Therefore, it could impact a person's employment or employment opportunities.

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## Identity of Alleged Perpetrators of Adult Abuse SFY 2017

905	Family members
1,327	Self
585	Caregiver/Resident Manager
187	Friend/Neighbor
358	Unknown/ Other

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS District II

- APS Tucson Office is located in the DES multi-service building at 1455 S. Alvernon Way
- District II covers most of Pima County, all of Cochise and Santa Cruz Counties and part of Pinal County.
- The Tucson office covers Marana, Oro Valley, Catalina, Tucson Metro, Vail, Sahuarita, Green Valley, and Three Points in Pima County, as well as, Oracle, Mammoth and San Manuel in Pinal County.
- District II currently has 22 advanced investigators (2.5 investigators dedicated to DDD clients).
- District II currently has 5 entry level investigators (self-neglect and resident on resident cases only).

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## APS District II

- District II currently has 4 units and 4 supervisors
- Per memo of understanding, APS cross reports all allegations against facilities and assisted living homes to AZDHS
- Per memo of understanding, APS cross reports all allegations of enrolled consumers to DDD
- District II collaborates with TPD, PCSO, TFD and the Attorney General's office
- When appropriate, investigator's initiate law enforcement reports and referrals to the AG

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## To Report Abuse, Neglect & Exploitation of Vulnerable Adults

Call:

1-877-767-2385

Or report on-line at

[www.azdes.gov/reportadultabuse](http://www.azdes.gov/reportadultabuse)

APS Registry:

[https://www.azdes.gov/uploadedFiles/Aging\\_and\\_Adult\\_Services/Adult\\_Protective\\_Services/APS\\_Registry\\_List.pdf](https://www.azdes.gov/uploadedFiles/Aging_and_Adult_Services/Adult_Protective_Services/APS_Registry_List.pdf)

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---

## Questions?

Your Partner For A Stronger Arizona




---

---

---

---

---

---

---

---